

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ASSIGNEE Symantec Corporation
GROUP ART UNIT..... 2167
EXAMINER..... Robert M. Timblin
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TITLEMETHOD AND APPARATUS FOR LOCALIZED PROTECTED IMAGING OF A FILE SYSTEM

REPLY BRIEF

To: MS Appeal Brief – Patents
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In accordance with 37 C.F.R. § 41.41(a), Appellants submit the present Reply Brief in response to the Examiner's Answer ("Answer") dated 17 March 2011. This Reply Brief contains items under the headings required by 37 C.F.R. § 41.37(c) and M.P.E.P. § 1208, as well as a conclusion:

- I. Status of Claims
- II. Grounds of Rejection to be Reviewed on Appeal
- III. Arguments
- IV. Conclusion

I. STATUS OF CLAIMS

On page 2 of the Answer, the Examiner acknowledges that the status of claims indicated in the 24 May 2010 Appeal Brief (“Appeal Brief”) is correct:

Claims 1-8 (Rejected)

Claim 9 (Canceled)

Claims 10-18 (Rejected)

Claim 19 (Canceled)

Claims 20-28 (Rejected)

Claim 29 (Canceled)

Claims 30-38 (Rejected)

Claim 39 (Canceled)

Claims 40-43 (Rejected)

Appellant hereby appeals the rejections of claims 1-8, 10-18, 20-28, 30-38, and 40-43, which are presented in the Claims Appendix.

II. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

On pages 2 and 3 of the Answer, the Examiner confirms that the statement in the Appeal Brief of the grounds of rejections to be reviewed on appeal is correct:

Claims 1-8, 10-18, 20-28, 30-38, and 40-43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,615,365 to Jenevein et al. (“Jenevein”) in view of U.S. Patent No. 6,026,016 to Gafken (“Gafken”).

III. ARGUMENT

As discussed below, the citations and explanations in the Answer confirm that the Examiner still has not shown that the combination of Jenevein and Gafken discloses “protect[ing] [a] locally-stored image file from accidental user deletion or modification by [] initiating a process at system startup that opens the locally-stored image file to block subsequent processes from accessing the locally-stored image file,” as recited in independent claims 1, 11, 21, 31, 41, 42, and 43.

- A. *The Examiner still has not shown that the combination of Jenevein and Gafken discloses “protect[ing] [a] locally-stored image file from accidental user deletion or modification by [] initiating a process at system startup that opens the locally-stored image file to block subsequent processes from accessing the locally-stored image file,” as recited in independent claims 1, 11, 21, 31, 41, 42, and 43*

In the Answer, the Examiner continues to read features into Gafken that are clearly not taught or suggested by Gafken or any of the other cited references. For example, on page 27 of the Answer, the Examiner states that Gafken discloses a “protection feature that updates (i.e., opens) information, or images, during system start-up to block subsequent accessing processes for the benefits of optimized image protection and prevention of alterations.” The Examiner’s interpretation of Gafken is, however, not supported by the disclosure of Gafken.

For example, none of the citations to Gafken referenced by the Examiner (including col. 3, lines 24-31; col. 12, lines 8-11; col. 14, lines 6-9; and FIG. 5) disclose, teach, or suggest opening an image file, a code image, or any other type of file in order to protect the file. Instead, the Examiner appears to be merely speculating, in

the face of contradictory evidence in the cited art, that: (1) an image file is opened during start-up and (2) that this image file is protected by opening the image file.

As Appellant described in greater detail in the Appeal Brief, the “hardware block locking” system of Gafken uses a block-locking circuit 140 to prevent “viruses and other destructive sources of memory corruption” from altering data (such as a system’s BIOS) stored in specific blocks of memory within a memory array 130. Col. 14, lines 27-39; col. 4, lines 27-34; Fig. 1. According to Gafken, in order to securely update a system’s BIOS stored within memory array 130, the system disclosed in Gafken must: (1) unlock access to the blocks of memory within memory array 130 that contain the system’s BIOS by changing the value of corresponding protection bits within lock bit array 315 from “locked” or “locked down” to “unlocked,” (2) update/flash the system’s BIOS by copying a new BIOS image (“obtained from a mass storage device ... or over a network or from the World Wide Web”) to the blocks of memory within memory array 130 that contain the system’s BIOS, and then (3) re-lock the blocks of memory within memory array 130 that contain the updated BIOS by changing the value of the corresponding protection bits within lock bit array 315 from “unlocked” to “locked down” or “locked.” See, e.g., col. 12, lines 38-48 and col. 13, line 26 to col. 14, line 10.

The above-recited process is, quite clearly, very different from “initiating a process at system startup that opens the [] image file to block subsequent processes from accessing the [] image file,” as required by independent claims 1, 11, 21, 31, 41, 42, and 43. In fact, contrary to the Examiner’s assertions, Gafken clearly states that it protects data blocks, not by *opening* the data blocks, but “*by programming the*

appropriate bits in the lock bit array 315 as described above.” Col. 13, line 67 to col. 14, line 5. Simply put, the Examiner has failed to cite *any* passage of Gafken that states that Gafken protects an image file, a code image, or any other type of file by “initiating a process at system startup that opens the [] file to block subsequent processes from accessing the [] file.”

For at least the reasons set forth above, Jenevein and Gafken fail to teach or suggest “protecting [a] locally-stored image file from accidental user deletion or modification by initiating a process at system startup that opens the locally-stored image file to block subsequent processes from accessing the locally-stored image file,” as recited in independent claims 1, 11, 21, 31, 41, 42, and 43. Accordingly, Appellant submits that claims 1, 11, 21, 31, 41, 42, and 43 distinguish over the proposed combination of Jenevein and Gafken and are in condition for allowance.

B. Dependent Claims

Claims 2-8, 10, 12-18, 20, 22-28, 30, 32-38, and 40 depend from claim 1, 11, 21, or 31. By virtue of this dependency, Appellant submits that claims 2-8, 10, 12-18, 20, 22-28, 30, 32-38, and 40 distinguish over the proposed combination of Jenevein and Gafken for at least the same reasons given above with respect to claims 1, 11, 21, and 31.

CONCLUSION

For at least the foregoing reasons, Appellant believes that each of the finally rejected claims in this application is in immediate condition for allowance. Accordingly, Appellant respectfully requests the reversal of the rejections of these claims and allowance of the same.

Respectfully submitted,

Date: 17 May 2011

A handwritten signature in dark ink, appearing to be 'J. Lee', is written over a horizontal line.

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